

### **REMARKS/ARGUMENTS**

Applicants respectfully request reconsideration of this application.

By the amendments, Applicants do not acquiesce to the propriety of any of the Office's rejections and do not disclaim any subject matter to which Applicants are entitled. *Cf. Warner Jenkinson Co. v. Hilton-Davis Chem. Co.*, 41 U.S.P.Q.2d 1865 (U.S. 1997).

#### **In the Claims**

Claims 27-44 are pending in this application. Claim 1-26, 28 and 29 were previously cancelled.

Claim 27 has been amended such that the last clause reads "wherein said first test strip has disposed therein microparticles which specifically bind glycated albumin in said sample and said second test strip has disposed therein microparticles which specifically bind total albumin in said sample."

Claim 44 has been amended to delete the phrase "using a point-of-care assay" in the preamble.

No new matter has been introduced as a result of the claim amendments.

#### **35 U.S.C. §112 Rejections**

Claims 27-44 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office has asserted that claim 27 is vague with regard to the last clause. Claim 27 has been amended such that the last clause reads "wherein said first test strip has disposed therein microparticles which specifically bind glycated albumin in said sample and said second test strip has disposed therein microparticles which specifically bind total albumin in said sample."

The Office has asserted that claim 44 is vague with regard to the use of the phrase "using a point-of-care assay" in the preamble. This phrase has been deleted as suggested by the Examiner.

Applicants respectfully assert that claims 27 and 44 are now clear and are no indefinite and respectfully request the withdrawal of the rejection on this basis.

### **CONCLUSION**

Applicants respectfully assert that, in light of the arguments and claim amendments presented herein, the claims are in condition for allowance and Applicant requests that a timely Notice of Allowance be issued in this case.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-3207.

Respectfully submitted,

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